

Policy: Airborne Geophysical Surveys over Mineral Rights held by a Third Party

Section 23 of the Mineral Act provides the holder of a mineral license the exclusive right to carry out mineral exploration, including airborne surveys.

23. (1) Subject to the terms under which a licence is issued, the licensee has the exclusive right to explore for minerals, in, on or under the area of land described in the licence from the date of issuing for the period of 5 years.

(2) A licence confers no right to remove minerals except for the purpose of sampling, assaying and testing, and a licensee who removes or sells minerals in contravention of this section

(a) commits a material breach of the terms of the licence; and

(b) is guilty of an offence under this Act.

Further, mineral exploration can not be conducted on another holder's Mineral License without the consent of that person.

12. (1) A person shall not search, prospect or explore for minerals or stake a claim to minerals in or upon land to which this Act applies

(a) if the minerals are subject to a licence or lease in favour of another person, without the consent of that person;

(b) in the case of land vested in the Crown in right of the province, other than Crown land within the meaning of the *Lands Act*, unless the consent of the minister is obtained; or

(c) in the case of lands, administration and control of which are vested in the Crown in right of Canada, unless the consent of the Government of Canada is obtained.

(2) A person shall not search, prospect or explore for minerals in or upon land to which this Act applies not vested in the Crown unless the consent of the owner, lessee or other person having a legal or equitable interest in that land is obtained.

Before an airborne survey can be conducted, consent is required from any third party mineral license holder and documentation of consent must be provided to the Exploration Approvals Geologist along with the Application for Exploration Approval. Further, all raw data collected over third party mineral licenses should be clipped and provided to the third party, along with relevant maps, interpretation and documentation of expenditures, for submission as part of the third party's assessment report. Please note that for agreements on file with the Mineral Claims Recorder further evidence of consent between the company and any third party mineral license holder is not required.